

LIST OF STATUTES

STATUTORY PROVISIONS AFFECTED BY THE TERMINATION OF THE STATE OF WAR

Bureau of the Budget
November 8, 1951

Statutory Provision Item Number, Citation and Digest	"Responsible Agency" (underlined) and "Commenting Agency"	Positions Stated by Agencies in 1950 Survey	Remarks by the Bureau of the Budget
<p>11. Steagall Amendment. Act of July 1, 1941, sec. 4, ch. 270, as amended; 55 Stat 498; 15 U.S.C. 713a-88.</p> <p>Authority of Secy. of Agriculture to encourage expansion of production.</p>	<p><u>Agriculture</u></p> <p>CEA ESA</p>		<p>Existing emergency may refer to 1939 & 1941 emergencies which are assumed to terminate upon termination of the state of war</p>
<p>19. Act of Aug. 11, 1939, ch. 701; 53 Stat. 1418; 15 USC 713a-6.</p> <p>Authorizes sale by Commodity Credit Corp. of surplus commodities to foreign govts. on condition that these govts. do not dispose of these commodities for 5 yrs. "unless a war or emergency results in a serious interruption of normal supplies of such commodities."</p>	<p><u>Agriculture</u></p> <p>Mutual Security Adm., State, CEA, ESA</p>	<p>AGRICULTURE: This authority has not been used; there are available other means of disposal of agricultural commodities and therefore termination of war is immaterial.</p>	<p>It is possible that the 1950 emergency may not be construed to be a "war emergency."</p>
<p>25a. First Deficiency Act of Apr. 1, 1944, ch. 152, 58 Stat. 157.</p> <p>Appropriates \$250,000 to Bureau of Reclamation for temporary weir on the Colorado R., to be expended <u>within 6 mos. after end of war.</u></p>	<p><u>Interior</u></p>	<p>INTERIOR: Had no objection to termination.</p>	
<p>25b. Sec. 122b, 57 Stat. 569, 23 USC 13b.</p> <p>Authorizes funds for roads and bridges which must be expended <u>within 1 yr. after termination of 1941 emergency.</u></p>	<p><u>Commerce</u></p>	<p>COMMERCE: Of funds authorized only small balances remain unobligated so that termination would have little effect.</p>	<p>The 1941 emergency may be construed as terminated when state of war terminates.</p>

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* 42. Act of Dec. 17, 1942, ch. 739; 56 Stat. 1053-4; 50 USC app. 1201 and 1151 note; 34 USC 498c-1 and note; 5 USC 652 and note.
 Authority of Sec. Navy, when it is impossible to make contracts, etc., for items for prosecution of the war, to provide facilities and provide for their operation, etc.

Defense

DEFENSE: retention necessary; relates to 1951 appropriation for construction of aircraft for which specific project authorization is inappropriate.

no comment

44a. Act of June 16, 1938, ch. 458, sec. 3, 52 Stat. 708; 50 USC 93.
 During any war in which the U.S. is engaged, the statutory limit on the educational orders for the manufacture of special munitions, etc., which may be awarded to any one factory is not operative.

Defense

Defense Pro-
duction Au-
thority

DEFENSE: Termination of no material effect.

Why is this of no material effect? Termination of the war would seem to reimpose limits upon educational orders. Has it been superseded or repealed by provisions of the Def. Prod. Act of 1950 or some other law?

45. Tennessee Valley Act of May 18, 1933. 48 Stat. 62(m); 16 USC 831d(m); Sec. 5m.

TVA

TVA: desirable to have authority to sell certain of its products to countries which will no longer be our allies when war is terminated. COMMERCE: agrees, mentioning nitrogenous fertilizer. DEFENSE: expiration of law will have no effect on its operations.

Sec. 5m provides that none of its products can be sold for use outside the U.S. Govt. for use of the Army and Navy or to U.S. allies in case of war.

Defense
Commerce
State

54. Act of June 15, 1917, 40 Stat. 219, sec. 6; 18 USC (recodified), 793.

Defense

Authority of the President in time of war or in case of national emergency to designate by proclamation places used for Army or Navy storage (including atomic bombs) as places concerning which information is not to be published in the interest of national defense; he may approve regulations concerning vessels in Territorial waters, upon declaring that a national emergency exists by reason of actual or threatened war, insurrection, or invasion, or disturbance or threatened disturbance of the interna. relations of the U.S.

AEC

Has the substance of this law been reenacted in any other bills? S. 595 and H. R. 4703, 81st C. would have amended these provisions. Question as to authority granted in this law exists because the wording in the 1950 emergency may not meet the requirements of this Act.

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* C 55. April 20, 1918, ch. 59; 40 Stat. 533, as amended; 18 USC
(recodified) secs. 2151 & 2153-2156. Penalties for injuring or mak-
ing war material in a defective manner when the U. S. is at war.

Defense

Defense
Justice

* X 58. Act of Mar. 27, 1942; secs. 1301-4 ch. 199; 56 Stat. 185-6;
50 USC app. 643 & 643 a, b & c.
Authority to inspect plants and audit books of war contractors
during the present war as determined by the proclamation of the
President.

Defense

GAO

DEFENSE: retention necessary for purposes
of Defense Production Act of 1950, price re-
vision, termination of contracts, Govt.-
furnished property and other audits;
RFC: this authority no longer needed by it.

* 60. Act of July 7, 1943, sec. 11; 57 Stat. 382; 44 USC 376.
Destruction by the head of an agency of any records situated
in any military or naval establishment etc. outside the U. S. at
any time during the existence of a state of war between the U. S.
and any other nation or when hostile action by a foreign power
appears imminent.

State

Defense, GSA,
CIA, Justice

DEFENSE: expiration would have no material effect on this law is doubt-
ful because of pos-
its operations; sible interpreta-
STATE: recommends retention tion that hostile
action by a foreign power does
not appear imminent under the
present circumstances.

* 62. Act of June 3, 1916. Secs. 37 and 38, ch. 134; 39 Stat. 189,
as amended, including Act of June 15, 1933; secs. 3 and 4, 48
Stat. 154 and 155; 10 USC 358; 32 USC 19.
Continuance of appointments in the Officers' Reserve Corps and
in the National Guard of the U. S. in force at the outbreak of
war are to continue in force until 6 months after its termination.

Defense

DEFENSE: retention is neces- Is this taken
sary; it permits the regular care of in any
5-year period to continue new legislation?
only 6 months after the
termination of the war.

* NC 66. Act of June 22, 1944. Ch. 272; 58 Stat. 324-326 50 USC app.
1591-98.
Provision for the temporary appointment of certain members of the
Army Nurse Corps, etc., as officers in the Army of the U.S. during
the present emergency. Such temporary appointments are to continue
until 6 months after the present emergency.

Defense

Has this been super-
seded by P.L. 36,
80th Cong.? Present emer-
gency probably refers to 1939 or
1941 emergency which may
be terminated by termina-
tion of the war.

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7C. Act of May 15, 1945; ch. 124, 59 Stat. 168; 10 USC 513 note.
Authority of the President, without the consent of Congress
to appoint certain members of the Army of the U. S. to lower
temporary grades, until 6 months after the present war.

Defense

DEFENSE: retention necessary;
will be needed in any further reduc-
tion program; permanent legislation
is not needed.

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NC. 71. Act of June 22, 1944, sec. 102, ch. 268; 58 Stat 285; 38 USC 693 (b) Detail of personnel from the armed forces to the VA <u>until</u> <u>6 mos. after the present war.</u>	<u>Veterans Administration</u> Defense	VA: this is urgently needed since it enables VA to alleviate staffing, particularly medical and related personnel DEFENSE: its retention is not necessary as far as Defense is concerned.	
NC. 79. Act of February 6, 1942, ch. 40; 56 Stat. 50 as amended; 10 USC 535 note. Provision for detail of personnel of all component parts of the Army of the U.S. as students at educational institutions, industrial plants etc. notwithstanding percentage personnel limitations of other laws, <u>until 6 months after the present war.</u>	Defense FSA	DEFENSE: termination would have no material effect	Has this law been superseded by P.L. 690, 80th Cong. or other laws?
NC. 82a. Uniform Code of Military Justice, Act of May 5, 1950, section 10, 64 Stat. 147, P.L. 506, 81st Cong., 50 USC 739. Permits the President to dismiss officers <u>in time of war</u> without court martial procedure.	Defense Justice	DEFENSE: This authority should continue because of Korean conflict and general world conditions.	
NC. 87. Act of July 8, 1942, ch. 493, sec. 5, 56 Stat. 649; 10 USC 299e. Authorization for appointment in the Air Corps Reserve of any person who has completed training and served <u>in time of war</u> as a commissioned or flight officer.	Defense	DEFENSE: the revival of this statute upon termination of war would make the recruiting of officers difficult.	
NC. 87a. Act of June 3, 1916, 39 Stat. 169 as amended, 10 USC 353. This act contains general restrictions on the appointment of Army and Air Force reserve officers <u>in time of peace.</u>	Defense		

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99. Act of June 15, 1933, sec. 18; 48 Stat. 160, as amended; 32 USC 81.

When Congress shall have declared a nat'l emergency and shall have authorized the use of armed land forces of the U.S. for any purpose, requiring use of troops in excess of those of Regular Army, the President may order units of the Nat'l Guard of the U.S. into active military service for the period of the war or emergency.

Defense

Since Congress must declare the nat'l emergency, doubtful whether this authority will exist after termination of war. While Sen. Doc. 42 states authority herein was suspended by P.L. 239, 80th C., sec. 3. cannot find such suspension in this law. However, Supp. IV of USC states that P.L. 239 did suspend this authority.

100. Act of July 2, 1940, ch. 508, 54 Stat. 712-13; secs 1(a) and 1(b) extended June 5, 1942, ch. 340, sec. 13, 56 Stat. 319; 50 USC app. 773-776, 1171.

Authority of Sec. of War to provide for installations for manufacture of military equipment, at military posts, plants, etc. (including privately owned plants), and for storage and shelter, to exchange surplus equipment, etc., without certain restrictions, and to operate or dispose of plants, etc. until 6 mos. after present war.

Defense

102. Act of June 5, 1942, ch. 340, 56 Stat. 314, 50 USC app. 761-776.

Authority of Sec. of War until 6 mos. after present war; to provide entertainment and instruction to enlisted men; to employ internes in Medical Dept.; suspension of limits to strength of any branch of Army, number of aviation cadets in Army Air Corps, assistant superintendents in Army Nurse Corps, number and grade of Reserve officers ordered to extended active duty and number of officers of Army required to participate in aerial flights; certain powers of the Sec. of War concerning civilian employees, removal of dependents and household effects of civilians; and military personnel; lease of Maritime Commission and War Shipping Administration vessels for Army transportation; construction at military posts; maximum fee of 6% for fixed fee contracts for construction at military posts; operation of one railroad and lease of land; suspension of limitations on number of airplanes, etc.

Defense

FSA, CSC,
Commerce

DEFENSE: sec. 1, entertainment and instruction of enlisted personnel and employment and pay of internes, secs. 7 and 11, availability of funds, acquisition of land and interests in land, approval of title should be kept in effect. Secs. 5, 6, 8 and 10 relating to other provisions in Act are of no material effect. JUSTICE: as to secs. 7 and 11, Attorney Gen. will not have to clear title before acquiring land and that part of statute relating to employment of experts can be terminated.

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N.C. 102a. Act of June 3, 1916, ch. 134, sec. 406, as added Act June 4, 1920, ch. 227, sec. 33; 41 Stat. 777, as amended. 10 USC 386. Prohibits detailing of officers and enlisted men as ROTC instructors without their consent <u>in time of peace</u> .	<u>Defense</u>	DEFENSE: the application of this statute would prevent the full utilization of regular officers where they might be best qualified; this statute should not be permitted to apply on termination of war.	
* N.C. 102b. Act of Oct. 12, 1949, ch. 681, secs. 204(d) and 205(d), 63 Stat. 809, 810; 37 USC 235(d), 236(d). The President <u>may in time of war</u> suspend incentive pay for hazardous duty.	<u>Defense</u>	Defense: inability to suspend will be of no material effect as far as Defense is concerned.	Would like fuller explanation of why this would be of no material effect.
N.C. 107. Public Health Service Act of July 1, 1944, ch. 373, secs. 212, 213, 216 and 363; 58 Stat. 689, 690 and 704; 42 USC, 213, 214, 217 and 266.	<u>FSA</u>	FSA: this authority needed by FSA and military to recruit & retain personnel for unpopular assignments.	
Commissioned officers of the Public Health Service shall be entitled to full military benefits with respect to active service outside the continental limits of the U.S. or in Alaska, " <u>in time of war</u> ."	VA <u>Defense</u>		
An allowance of \$250 for uniforms may be paid to each commissioned officer of the Public Health Service " <u>in time of war</u> ," who is appointed to the Regular Corps or called to active duty in the Reserve Corps in certain grades.			
"In time of war," the President by Exec. Order may declare the commissioned corps of the Public Health Service to be a military service during which time it shall constitute a branch of the land and naval forces of the U.S. and be subject to Articles of War and Articles for the Govt. of the Navy. E.O. 9575 issued under this statute itself depends on the existence of a state of war.			
N.C. 108. Military Personnel Claims Act of May 29, 1945, ch. 135, sec. 1, 59 Stat. 225, 31 USC 222(c)	<u>Defense</u>	DEFENSE: retention necessary in view of Korean conflict; persons affected should have 1 yr. after conflict is ended for filing of their claims. ADM. OFFICE OF U.S. COURTS: On other hand, stated that termination of war would have desirable effect of speeding such suits into courts.	
Extension, to <u>within 1 yr. after peace is established</u> of time limit on claims by military and civilian personnel of War Dept. where accident or incident occurs <u>in time of war</u> or if war intervened within 2 yrs. after incident's occurrence.	Justice US Courts		

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108a. Foreign Claims Act of Jan. 2, 1942, ch. 645; 55 Stat. 880, as amended, 31 USC 224i; 57 Stat. 66; 31 USC 224(d).

Provides for prompt settlement of claims for damages occasioned by Army, Navy and Marine forces in foreign countries by commission appointed of officers of any of the services—not necessarily of services concerned—time of war.

Defense

DEFENSE: retention is necessary.

113. Acts of July 24, 1941 and April 18, 1946, ch. 320, sec. 10, 55 Stat. 605, as amended; 34 USC 350a and ch. 141, sec. 5, 60 Stat. 92; 34 USC 15.

Continuance until 6 mos. after June 30 of fiscal year following end of present war, of temporary status of Navy or Marine corps personnel appointed or advanced under authority of Act of July 24, 1941, and permanent appointment of reserve and temporary officers to regular Navy under Act of April 18, 1946.

Defense

DEFENSE: termination would have no material effect.

113a. Act of Aug. 4, 1942, sec. 10, ch. 547, 56 Stat. 738, 34 USC 850i.

Certain conditions for employing naval aviation officers on active duty are imposed during time of peace.

Defense

DEFENSE: revival of these conditions upon coming of peace would have no material effect.

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N.C.
115. Act of May 25, 1943, ch. 101 57 Stat. 84-85; 34 USC 338a.
Provision authorizing eligibility of commissioned warrant officers and warrant officers to commissioned rank in Navy, Marine Corps, and Coast Guard extending provisions in act of June 27, 1942 (56 Stat. 423, sec. 2), until June 30 of the fiscal year following the termination of the present war.

Defense

N.C.
116. Act of Dec. 14, 1944 and Act of March 23, 1946, 58 Stat. 802 803; 50 USC App. 1691 and note and ch. 112 sec. 1, 60 Stat. 59; 50 USC app. 1692 and note;

Defense

Authorization for grades of Fleet Admiral of the Navy and of General of the Army until 6 mos. after present war.

DEFENSE: termination of this act would affect pay and allowance of officers appointed under the 1946 Act; 5-star generals might not receive their pay and allowance unless the act is amended.

N.C.
116a. Officer Personnel Act of August 7, 1947, sec. 316(m) of ch. 512, 61 Stat. 869; 34 USC supp. III 3C6(m).

Defense

No officer may continue to serve on active duty in the grade of Commodore later than 6 mos. after June 30 of the fiscal year following that in which the present war shall end.

DEFENSE: termination would have no material effect.

N.C.
118. Act of Mar. 21, 1945, ch. 29; 59 Stat. 36, 37, 50 USC App. secs. 1711-1715;

Defense

Authority for grade and rank of general on the active list of the Regular Marine Corps until 6 mos. after present war.

DEFENSE: termination would have no material effect.

N.C.
126. Act of Dec. 13, 1941. ch. 570, sec. 1; 55 Stat. 799; 34 USC, 186, 201 b.

Defense

In time of war the Secy. of the Navy may extend enlistment periods in the regular Navy, Marine Corps and Coast Guard but for no more than 6 mos. after the termination of the conditions which originally authorized their detention.

DEFENSE: termination would have no material effect.

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<p>131a. Act of Nov. 5, 1941, ch. 468, sec. 1; 55 Stat. 759; 34 USC 841a (in part)</p> <p><u>In time of peace</u> Navy student aviation pilots may with their consent, in the discretion of the Secy. of the Navy, serve for 2 more years on active duty.</p>	<u>Defense</u>	DEFENSE: termination would have no material effect.	
<p>15Ca. Naval Reserve Act of June 25, 1938, ch. 690, 52 Stat. 1176 et seq.</p> <p>The following sections of this act become operative <u>in time of peace</u>:</p> <p>Discharge rights of members of Naval Reserve, sec. 6, 52 Stat. 1176; 34 USC 853d;</p> <p>Service and employment rights of Fleet Reserve on active duty, sec. 205, 52 Stat. 1179; 34 USC, 854d;</p> <p>Rights of enlisted men transferred to Fleet Reserve after 16 years or more of service, sec. 206, 52 Stat. 1179-80, as amended, 34 USC 854e;</p> <p>Disability and hospital benefits to personnel of Naval Reserve engaged in active duty for periods of 30 days or less prior to official termination of World War II, sec. 304, 52 Stat. 1181 as amended; 34 USC 855c (fifth proviso)</p> <p>Appointment and commissioning of officers and Naval reserve, section 305; 52 Stat. 1182 as amended, 34 USC 855d; Distribution, officers of Naval Reserve, sec. 306, 52 Stat. 1182; 34 USC 855e;</p> <p>Training duty of members of Naval Reserve, sec. 315, 52 Stat. 1184; 34 USC 855n;</p> <p>Composition of Naval Reserve Policy Board, Sec. 316, 52 Stat. 1185, as amended, 34 USC, 855(o).</p>	<u>Defense</u>	DEFENSE: coming of peace will have no material effect.	

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150b. Act of Oct. 8, 1940, ch. 765, sec. 4, 54 Stat. 1023, 34 USC, 853c-1

During peacetime officers of the Naval Reserve and Marine Corps may, with their consent be employed on active duty.

Defense

DEFENSE: termination of war would have no material effect.

158. Act of June 22, 1944, 58 Stat. 310, 31 USC Supp III Sec. 645a.

Employment of naval procurement fund authorized for the duration of the present wars.

Defense

159. Act of June 28, 1944, chap. 306, 58 Stat. 624; 10 USC 1213, 1214; 34 USC 555 a, b.

Provision for availability of appropriations for management and operation of naval plantations, etc. outside continental U.S. provided the management be by private contractor as far as possible after termination of the present war.

Defense

DEFENSE: Wants this authority continued largely for security reasons.

Commerce
State

161. Act of Dec. 5, 1945, ch. 555, sec. 2, 59 Stat. 596; 34 USC 600b.

Omission of certain prejudicial matter in reports required to be made by the Secy. of Navy in the settlement of certain claims during any war.

Defense

DEFENSE: termination would have no material effect.

Justice

168. Act of Feb. 19, 1943, ch. 1, sec. 4, 57 Stat. 4; 22 USC 412 note.

Authority for lease of ships, boats, barges, or floating dry-docks of the Navy in accordance with Lend-Lease Act of March 11, 1941 (55 Stat. 31) for periods beyond the termination of present wars.

State

Defense
Commerce

STATE: retention is necessary, it would be most undesirable to demand return of some of these ships when war terminates. COMMERCE: defers to State's recommendation. While this law does not permit any leases after June 30, 1946, some leases made prior to that time are still in effect and would be terminated by the termination of the state of war.

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172. Act of Aug. 2, 1946, ch. 756, sec. 37, P.L. 604 79th Cong. 34 USC 486a. Authority of the Secy. of Navy to exceed the statutory limit on repairs and alterations of vessels <u>in time of war and until the end of the first fiscal year thereafter.</u>	<u>Defense</u>		Sen. Doc. 42 states "probably superseding (54 Stat. 33, sec. 203)"
172a. Sec. 1534 R.S.; 34 USC 452. The President is authorized <u>in time of peace</u> , to keep such of the public armed vessels in actual service as may be required and may cause the others to be laid up.	<u>Defense</u>	DEFENSE: coming of peace will have no material effect.	
172b. R.S. 1535; 34 USC 453. The President has authority to officer and man the vessels in actual service <u>in time of peace.</u>	<u>Defense</u>	DEFENSE: coming of peace will have no material effect	
172c. Act of Dec. 17, 1943, ch. 349; sec. 1, 57 Stat. 604, 34 USC 498c-12. Authority of Navy to acquire additional auxiliary vessels, landing and district craft as the Secretary may consider best suited for the prosecution of the war.	<u>Defense</u>	DEFENSE: retention necessary	
176. Missing Persons Act of March 7, 1942, ch. 166, sec. 1-16; 56 Stat. 143-48 as amended; 50 USC App. 1001, 1015. Provisions for continuance of pay of persons officially reported missing, missing in action, interned in a neutral country or captured by the enemy, and for payment of allotments, insurance premiums, death gratuities, etc., <u>until 1 yr. after the present war.</u>	<u>Defense</u> CIA, State GAO, Treasury FSA, VA	DEFENSE: without continuation of this act payments to dependents can only be made on adjudication of death, usually after 7 years. CIA: should be continued on a permanent broadened basis covering citizens where no formal state of war. STATE: favors its retention.	This law expires 12 mos. after the proclamation of the termination of the war. It might not expire if war is terminated without a formal proclamation. If this law is terminated sentences of sec. 4e of the Selective Service Act of June 24, 1948, ch. 625 62 Stat. 608; 50 USC App. 1001-1017.

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<p>N.C. 205. Act of October 6, 1945, ch. 393, sec. 3(a) "sec. 1"; 59 Stat. 538; 50 USC App. 1531-34. Service of certain persons under 21 who have enlisted under act of June 1, 1945, without parents' or guardian's consent, <u>until 6 months after the present war.</u></p>	<p><u>Defense</u></p>		
<p>N.C. 207. Act of Sept. 16, 1942, ch. 561, secs. 1,2,3. 56 Stat. 753-7 as amended. 50 USC 301-3. Provision permitting voting by mail of persons serving in the land or naval forces of the U.S. who are eligible or qualified to vote under their State election laws.</p>	<p><u>Defense</u></p>	<p>DEFENSE: retention necessary TREASURY: retention necessary</p>	
<p>N.C. 218. Act of July 2, 1926, 44 Stat. 780, 781; 10 USC 291a and 291e. In time of war a flying officer may include any officer who has received an aeronautical rating as a pilot of service types of aircraft and also, in time of war, may include any officer who has received an aeronautical rating as observer.</p>	<p><u>Defense</u></p>		<p>Sen. Doc. 42 states that this appears to have been superseded by the Act of Oct. 4, 1940, 54 Stat 963.</p>
<p>N.C. 222. Act of June 30, 1942, ch. 462, sec. 3; 56 Stat. 464; 50 USC App. 808. Modification of age limits for original appointments to commissioned rank and staff and corps of the Navy <u>until June 30 of the fiscal year following that in which the present war shall end.</u></p>	<p><u>Defense</u></p>	<p>DEFENSE: its termination will have no material effect.</p>	
<p>N.C. 226. Act of Mar. 3, 1925, ch. 450, 43 Stat. 1129. Right to take exclusive possession of the Presidio of San Francisco Military Reservation, including that portion transferred to the city and county of San Francisco <u>in the event of war or any other great national emergency.</u></p>	<p><u>Defense</u></p>		<p>This authority will not be suspended if the present emergency can be construed as a "Great" national emergency.</p>

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229. Act of June 25, 1942; ch. 447, 56 Stat. 390-391; 50 USC App. 781-785.

Prohibition against photographing, etc. of military or naval reservations, naval vessels, etc. without authority, during the present war.

Defense

DEFENSE: retention is necessary in the interest of national security.

Justice

230. Act of Aug. 24, 1912, ch. 310, sec. 13; 37 Stat. 569; 48 USC 1306.

Designation by the President of an officer of the Army to assume exclusive authority and jurisdiction over the operation of the Panama Canal "in time of war—or when, in the opinion of the President, war is imminent."

Defense

DEFENSE: termination will have no material effect. reconsideration of Defense's position requested - how-

Canal Zone Govt.

ever, possibly the discretion given the President to put the authority in operation when war is imminent is sufficient.

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232. Act of June 7, 1939, ch. 190, sec. 5; 53 Stat. 811, as amended, 50 USC 98(d).

Use of strategic and critical materials, acquired to supply industrial, military, and naval needs of the country and prevent dependence of U. S. upon foreign nations for such supplies, "only upon the order of the President in time of war, or when he shall find that a national emergency exists with respect to national defense as a consequence of the threat of war."

Defense

DEFENSE: retention necessary

No action necessary if wording in 1950 emergency complies with requirement that "an emergency exists as a consequence of the threat of war."

GSA, Defense
Materials Proc.

239. Small Business Mobilization Act of June 11, 1942. Sec. 1, 56 Stat. 351-357; 50 USC app. 1101.

Grants authority to mobilize aggressively the productive capacity of all small business concerns, "To augment war production."

Small Defense Plants
Adm.

COMMERCE: despite similar authority under Defense Production Act of 1950 its broad general authority should be augmented with detailed language in Small Bus. Mob. Act.

This authority might expire on termination of war; however, authority may have been granted in the act creating Small Business agency.

Commerce, Defense
RFC

242. Lanham Act of Oct. 14, 1940, sec. 4, 54 Stat. 1127 as amended; 42 USC 1521, 1532, 1541, 1561, 1562.

Authority of Gen. Serv. Adm. and Housing Adm. under secs. 1, 202, 401, and 402 of Lanham Act (defense housing) is to terminate when President shall have declared that "limited emergency" has ceased to exist, except with respect to contracts previously made, etc.

HHFA

GSA
Nat.Cap.
Housing

HHFA: Only certain leases, construction and continuation programs on which Lanham Housing projects are based (see secs. 301 & 304 of Lanham Act (42 USC 1541 and 1544)) can be extended is by a bill continuing a technical state of war for this purpose. Nat. Cap. H'sing. stated termination of war or emergency may raise questions of power to operate under this Act.

S. Doc. 42 states that while war housing and defense projects and works acquisition programs have terminated, statute is required with respect to a reuse program of surplus structures under Title V and acquisition of land under secs. 1, 292, 401, & 402 of the Act. In view of possibility of limited emergency being construed

to be terminated by termination of war, extension of this Act should be considered if there has not already been superseding or sub. language.

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NC
244. Act of Jan. 21, 1942, ch. 14, sec. 6, 56 Stat. 42, USC 1544.
Authority of the HHFA under Lanham Act, sec. 304, during
the emergency to adjust rents to the income of the person
housed (amending Act of Oct. 14, 1940 (54 Stat. 1127, sec.
4), as amended by Act of June 28, 1941 (55 Stat. 363, sec.
4(b))).

HHFA
Office of Rent
Stabilization

In S. Doc. 42 it is
stated that this provision may be re-
pealed because sec. 501 of Lanham Act
contains authority to make rental ad-
justments as far as veterans and serv-
icemen are concerned. Whether this
authority is sufficient should be
checked since emergency referred to
here may be construed to terminate
with end of war.

NC
245. Act of April 10, 1942, secs. 401-404; 56 Stat. 212-213; 42 USC
1561 (et seq.)

Lanham Act of Oct. 14, 1940, which provides for defense
housing in the States is extended so as to apply to D. C. (Au-
thority of Gen. Services Administrator and Administrator, HHFA
under this Act "is to expire when President shall have declared
'limited emergency' to have ceased to exist."

HHFA

GSA
D. C.

Same remarks apply as to #242 above.

NC
245a. Housing and Rent Act of June 23, 1950. 64 Stat. 354; 50 USC
App. 1881 et seq.
Contains authority for rent control, etc.

Housing Expe-
diter.

ESA
Justice

HOUSING EXPEDITER: Courts
might interpret any gen-
eral declaration as to
end of war or emergency
if not carefully con-
sidered in such a manner
as to jeopardize the con-
stitutional basis for
rent control. He recom-
mended some kind of
savings clause.

As position of Housing
Expediter was expressed
before declaration of
1950 emergency a recent
inquiry was made as to
its position. The
Office states that it
still considers the
matter in doubt. Would
like Justice to
comment on this point.

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<p>261. Title I, First War Powers Act of Dec. 18, 1941, ch. 598, Title I; 55 Stat. 838, 839, 50 USC App.601-605.</p> <p>This Title contains President's wartime reorganization powers of the Exec. agencies which expire <u>6 mos. after the termination of war.</u></p>	<p><u>Defense</u></p> <p>Labor</p> <p>AEC</p> <p>Commerce</p> <p><u>CIA</u></p>	<p>DEFENSE: Urgently needed. STATE: Termination of Pres.'s authority to re-distribute functions might seriously affect certain of its operations. LABOR: It would lose certain labor supply functions transferred from War Manpower Commission needed in connection with Defense Prod. Act of 1950. AEC: certain Exec. Orders giving right to make emergency purchases and to import duty-free make it essential.</p>	<p>Title II which relates to renewal of restrictions on Govt. contracting with which previous comments of some of the agencies were concerned has been kept in force during the nat'l emergency proc. of 1950. Act of Jan. 12, 1951, ch. 1230, sec. 1, 64 Stat. 1257, 50 USC app. 611 note.</p>
<p>263. Act of Dec. 2, 1942, 56 Stat. 1028-1036; 42 USC 1701-1706, 1711-1717.</p> <p>Compensation is provided for injuries resulting from "War Hazards" to persons (1) employed by Govt. contractors, (2) engaged by U.S. for services outside U.S. or (3) employed as civilian employees of a post exchange or ship-service store outside U.S.</p>	<p><u>Defense</u></p> <p>FSA</p> <p><u>CIA</u></p> <p>Labor</p>	<p>DEFENSE, CIA and LABOR all agreed retention is necessary.</p>	<p>Yes comment</p>
<p>NC. 263a. E.O. 9414, Jan. 13, 1944. 5 CFC 944 Supp.</p> <p>Provides authority to promulgate amendments to leave regulations during the war period.</p>	<p><u>CSC</u></p>	<p>CSC: Redlegation of this authority on war's termination under Act of Aug. 8, 1950, P.L. 673, 81st C., is necessary.</p>	<p>Does not call for any new legislation and if any E.O. needs to be issued, the CSC should assume responsibility therefor.</p>

affects procurement?

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265. Act of March 3, 1909, ch. 255, sec. 2, 35 Stat. 768, as added by Act of April 9, 1943, ch. 39, 57 Stat. 60; 34 USC 533.

Defense

DEFENSE: retention necessary.

"In time of war and not exceeding 6 mos. thereafter" such stores as may be designated by the Sec. Navy may be procured and sold to civilian officers and employees when the Sec. finds it is impracticable for such persons to procure such stores from private agencies without impairing efficient operation of stations.

Commerce

NC

267. Act of Oct. 25, 1943, ch. 276, 57 Stat. 575, as amended, 38 USC 11(a) note.

V.Adm.

Authority of Adm. of Vets. Affairs to utilize V.A. automotive equipmt. to transport employees between field stations and public transportation "until 6 mos. after termination of present war."

V.A.: Necessary because of possible shortage of gasoline, private automobiles, curtailment of transportation during strikes or otherwise.

270. Act of Dec. 23, 1944, ch. 716, 58 Stat. 921-22; 50 USC app. 1705-1707.

Defense

Authority of disbursing officers to cash checks, etc. "until 6 mos. after present war."

State
Treasury

DEFENSE: Retention necessary because in foreign areas without banking facilities, as in Korea, this authority for disbursing officers to cash checks is extremely important.

Treasury planned to introduce amendment to make this permanent. Has this been done?

STATE: Could be continued. TREAS.: Should be made permanent law as need is not temporary or related to a state of war.

Include CIA

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<p>308. Act of July 5, 1945, sec. 3, ch. 270; 59 Stat. 411. D. C. Code 3-108 note.</p> <p>Appointment of certain retired officers as superintendent of Gallinger Municipal Hospital and detail of commissioned officer of Pub. Health Serv. to act as supt. of same, authorized <u>"until 6 mos. after present war."</u></p>	D. C. FSA	D. C.: did not wish to recommend continuance of this authority in Nov. 1950 but requested opportunity to make its decision later.	Now is the time.
<p>310a. Act of July 28, 1945, ch. 328, sec. 5(b); 59 Stat. 505, 5 USC 801.</p> <p>Where Govt. employees suffer death or disability after capture or detention by the enemy, such disability or death shall be deemed to have resulted from performance of duty <u>"during present war."</u></p>	Defense CIA Commerce Mutual Security Adm.	DEFENSE: Failure to retain would seriously impede recruitment of qualified personnel. CIA: Important to retain. STATE: Permanent legis. should be enacted.	comment yes
<p>319. Act of Oct. 21, 1942, secs. 119 and 156, 56 Stat. 814, 815; and 852-856; 26 USC 22 and 127.</p> <p>Losses due to property destroyed or seized in the course of military or naval operations or under enemy control <u>in present war</u> shall be allowed for in computing taxes.</p>	Treasury		S. Doc. 42 indicates that sec. 22 was amended to terminate through the period Jan. 1, 1948, to Jan. 1, 1951, but that sec. 127 still remained in effect and probably should be kept in effect as long as there were military or naval operations.
<p>333. Act of March 24, 1945, sec. 1(a), ch. 36; 59 Stat. 38, as amended 20 USC 1426(i) and note, 50 USC App. 1291.</p> <p>Amendment to sec. 1426(i) of Internal Revenue Code to effect that Fed. Maritime Bd. and Sec. of Commerce are to make payments of tax imposed under sec. 1410 (employer's tax), without regard to the \$3,000 limitation in section 1426 (a,1), etc. <u>with respect to employment prior to "termination of Title I of the First War Powers Act (6 mos. after the war".</u></p>	Treasury FSA Commerce Fed. Maritime		S. Doc. 42 states that this employment tax coverage should continue as long as Maritime Commission continued to operate vessels since private carriers and their employees were subject to these taxes. If vessels are still being operated comment is necessary. Any amendment to be made to the First War Powers Act should be checked since operation of this Act of Mar. 24, 1945 is related to the First War Powers Act.

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338. Act of Oct. 21, 1942; sec. 403(d)(3), ch. 619, sec. 452(c);
56 Stat. 944 and 952 as extended; 26 USC 811 & 1000 note.

Provides that servicemen shall be considered under legal
disability to release a power of appointment in connection
with estate and gift taxes "until the termination of the
present war."

Treasury

TREASURY: No need to
extend these provisions
pending disposition of
the powers of appoint-
ment problem now being
considered by it.

Defense

347. Act of June 27, 1942, ch. 453; 56 Stat. 461; 50 USC App.
801-802

Free importation of personal and household effects of
persons in service of U.S. or his family, and persons
evacuated under Government orders, "until proclamation
of peace."

Defense

DEFENSE: Retention neces-
sary. CIA: Continuation
of statute important.
TARIFF COMMISSION: May be
desirable to retain.
STATE: should continue
as permanent legislation.

CIA
Treasury
State

If war were termin-
ated without a
Presidential pro-
clamation of peace
this statute might
continue in effect.

352. Act of Dec. 22, 1942, ch. 803, 56 Stat. 1971, 48 USC
510 note.

Authorization for payment for use of certain
wharves of Territory of Hawaii by U.S. "until 6 mos.
after the present war."

Defense

DEFENSE: Legislation may
be invaluable in peac-
time even in the absence
of an emergency, but is
essential in view of the
Korean situation.
INTERIOR: Retention nec-
essary.

Interior
Justice

Sec. 510 provided
that Territory of
Hawaii shall receive
revenues from
wharves constructed
by the former Rep-
ublic of Hawaii ex-
cept that no charges
shall be made for its
use by U.S. Apparently
Congress thought U.S.
should pay for the
heavy wartime use. Is
that consideration
(cont.)

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352. (cont.)			still valid under today's conditions or is the policy behind the original sec. 510 applicable?
NC 363. Act of Nov. 22, 1943, ch. 301, 57 Stat. 590, 36 USC 183, 184. Authority of Administrator of Veterans Affairs to issue flag used at funeral of person who dies in military or naval service to nearest relative etc. <u>"during the present war"</u>	VA Defense	VA: Need arises only where burial is outside the U.S., otherwise, the flag is given by the military departments and if it is amended because of deaths and burials in Korea responsibility for issuing the flag should be given to the military departments.	
NC 365a. Veterans Preference Act of June 27, 1944, ch. 287, sec. 2, 58 Stat. 387, as amended; 5 USC 851. Provides that preference be given unmarried widows of deceased ex-servicemen, and ex-servicewomen, and widowed mothers in an unmarried status of deceased and permanently and totally disabled ex-servicemen or ex-servicewomen and other similar categories, where the servicemen served in active duty <u>during any war.</u>	CSC VA Defense Justice	CSC: Termination of war would provide cut-off date to prevent acquisition of veterans preference during a technical state of war on the basis of service which is essentially peacetime without prohibiting acquisition of preference to those actually engaged in combat, as in Korea.	Is CSC interpretation correct? Are those fighting in Korea engaging in "war" within the meaning of this statute? Would like Justice's interpretation of this question.

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NC 365b. Vocational Rehabilitation Act of June 2, 1920, secs. 2,
3 and 10, ch. 219; 41 Stat. 735,736,767, as amended. 29 USC
32(a)(10) 33 (a)(1) and 40(b).

These sections authorize 100% Federal reimbursement to
States for expenditures in vocational rehabilitation of war-
disabled civilians disabled while serving prior to the term-
ination of the war as declared by Congressional resolution
or Presidential proclamation.

FSA

Defense
VA

FSA: No reason for
further extension of
the period during which
States may receive 100%
reimbursement.

Is there agreement
with FSA in view of
the Korean situation?

NC 376. Alien Enemy Act of 1798. R.S. 4067-4070; 50 USC 21-24.

Under this act alien enemies are removed from the country.
R. S. 4068 allows them time to remove their goods and depart
from the U.S.

Justice

State
Defense

This authority ex-
ists whenever there
is a declared war
or threat of in-
vasion of U.S. ter-
ritory. Would there
be any occasion
for this authority
except under these
circumstances?

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N.C.
376a. Certain International Agreements-concerning, for example, jurisdiction over criminal offenses committed by armed forces over prizes, military and naval cooperation, flights of military aircraft, leased areas, exchange of agricultural workers and procurement of strategic materials - "terminate with the termination of the state of war".

State

STATE: If the time schedule State should have this for termination with Germany and timing in mind Japan were speeded up, its position in reviewing and re-negotiating these agreements must be reconsidered. with respect to the ratification of the Japanese treaty. Will the revisions be completed?

N.C.
380. Lend Lease Act of Feb. 7, 1942; sec. 301, ch. 46 56 Stat. 82; 22 USC 412 note. Defense

Authority of the President during the existing national (1941) emergency to permit the Secretary of the Navy to lease ships appropriated for in whole or in part in the Naval Appropriation Act or to dispose of defense articles procured from funds appropriated by this act to countries whose defense/deems vital to the defense of U.S.

State

The emergency on which this authority depends is assumed to terminate with the termination of the state of war.

N.C.
382. Act of June 19, 1943; 57 Stat. 159, ch. 132

Provision for participation by U. S. in Emergency Advisory Committee for Political Defense and authorization of appropriation therefor (for the period of the war emergency or so long as the American Republics may deem the continuation of its activities to be essential to the welfare of the hemisphere).

State

If the war emergency here referred to were construed to be the 1939 and 1941 emergencies and not the 1950 emergency this authority would be assumed to end with the termination of the state of war.

N.C.
390. Act of Mar. 24, 1908, ch. 96, 35 Stat. 46, 46 USC 133. Exemption of hospital ships in accordance with the International convention of Dec. 21, 1904 (35 Stat. 1854-62), from all dues and taxes imposed on vessels by the laws of the U.S., and from all pilotage charges "in time of war."

Defense

State

DEFENSE: termination would have no material effect.

Why should not this exemption continue to be beneficial in the Korean conflict as in the case of formal war?

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<p>N.C.</p> <p>395. Act of February 21, 1942, ch. 104, 56 Stat. 95; 22 USC 447(e). <u>Suspends, when the U.S. is at war, the provisions of the Neutrality Act which prohibit financial transactions by persons with governments proclaimed to be at war with each other by the President.</u></p>	<p><u>State</u> Defense, Commerce Ex-Im Bank International Bank</p>	<p>STATE: No objection to expiration of this act.</p>	<p>If the President were to proclaim Yugoslavia and Russia to be at war or, China and French Indo-China or China and the Republic of Korea and the termination of the war made the Neutrality Act applicable, financial transactions with Yugoslavia, Korea & French Indo-China would be prohibited. Is this satisfactory?</p>
<p>N.C.</p> <p>396. Act of Apr. 24, 1912, ch. 90; 37 Stat. 90 as amended; 36 USC 10, 11. Authority of the President to accept the assistance of the American National Red Cross "<u>in time of war or when war is imminent</u>"; and during such time Red Cross personnel may travel as civilian employees without payment of passport fees when proceeding abroad.</p>	<p><u>Defense</u> State, Interior</p>	<p>DEFENSE: While war might be considered imminent there is doubt on this point and the statute should be extended after the termination of the state of war. STATE: The help of the Red Cross is needed and the authority is in some doubt.</p>	
<p>N.C.</p> <p>400. Act of Aug. 29, 1916; ch. 417, 39 Stat. 604; 10 USC 1362 49 USC 6(8). The President may demand "<u>in time of war or threatened war</u>" that preference and precedence over all other traffic be given for the transportation of troops and war material.</p>	<p><u>Defense</u> ICC, ODM</p>	<p>DEFENSE: retention necessary. Since there may be some question as to whether we will be in a time of threatened war following termination of war if this statute is needed, serious consideration should be given to its extension.</p>	

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<p>N.C.</p> <p>402. Act of Feb. 28, 1920, ch. 91, sec. 420(15), 41 Stat. 477(15), 49 USC 1 (15).</p> <p>The Interstate Commerce Commission is to direct that preference be given to transportation of such traffic as the President deems essential to national defense and security <u>"in time of war or threatened war"</u>.</p>	<p>Defense</p> <p>ICC</p>	<p>DEFENSE: Retention necessary</p>	<p>Since there may be some question as to whether we will be in a time of threatened war following termination of war if this statute is needed, serious consideration should be given to its extension.</p>
<p>N.C.</p> <p>405. Act of May 16, 1942, sec. 420, ch. 318, 56 Stat. 298 49 USC 1026.</p> <p>The authority of the President to certify to the Interstate Commerce Commission that certain traffic is to be given priority in transportation <u>"in time of war or threatened war"</u> is made equally applicable to freight forwarders.</p>	<p>Defense</p> <p>ICC</p>	<p>DEFENSE: Retention necessary</p>	<p>Since there may be some question as to whether we will be in a time of threatened war following termination of war if this statute is needed, serious consideration should be given to its extension.</p>
<p>N.C.</p> <p>409a. Communications Act of June 19, 1934, sec. 606(d), 48 Stat 1104 as amended; 47 USC 606 involves the power of the President to change rules of communication stations upon proclamation that there exists a state or threat of war involving the U.S. and when he deems it in the interest of national security and defense, <u>until not later than 6 months after the war.</u></p>	<p>FCC</p> <p>Defense, Commerce Justice</p>	<p>FCC: The power under sec. 606(c) which is essential, exists during a national emergency. It made no comment, however, upon the power of sec. 606(d) which terminates 6 months after the end of the war.</p>	
<p>N.C.</p> <p>415a. A non-statutory permission was given the Army to use the CAA airports in Alaska for a period ending 6 months after the termination of the 1941 emergency. Since the cessation of hostilities the airports have been returned to the CAA but the authority has never been revoked.</p>	<p>Defense</p> <p>Commerce</p>	<p>COMMERCE: will defer to Defense's wishes in this matter.</p>	<p>We suggest that Defense and Commerce work out the action to be taken and advise us.</p>

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W.C.
418a. Merchant Ship Sales Act of March 8, 1946; sec. 9(c)(3) 60
Stat. 41, 50 USC app. 1742(c)(3);

Provides for compensation for use of vessels taken by the U.S.
not to exceed 15 percent per year of the sales price and is appli-
cable for the period prior to the termination of the existing 1941
emergency.

Commerce

Justice

COMMERCE: This section 1742 This would seem
(c)(3) is not needed. to be the case
since section

1742(c)(2) requires compen-
sation at the same maximum
rate without any termination
date.

W.C.
426. Act of June 6, 1941; ch. 174, 55 Stat. 242, 245, as amended
50 USC app. 1271-75.

Defense

Commerce
State

Authority of the President to purchase, requisition, etc., for-
eign vessels lying idle in waters under jurisdiction of the United
States and of the U. S. Maritime Commission to charter foreign ves-
sels and to recharter, insure, purchase, etc., same, extended "until
6 months after the present war."

DEFENSE: Retention is necessary;
COMMERCE: There is need for this authority.
existing charters of certain old Great
Lakes ore boats would be terminated.
STATE: No harm would be done to continue
this authority for post emergency use.

W.C.
428. Act of March 18, 1943, ch. 17, title I, sec. 1 ch. 17; 57
Stat. 25; 22 USC 412(a)

State

Commerce, Maritime Bd.

Provides for the lease of certain merchant vessels under the
Lend Lease Act until 6 months after the present war.

STATE: USSR is the only government that has
not returned leased vessels and these were
procured out of funds other than those cov-
ered by the Act of Mar. 18, 1943. For that
reason no objection to this authority expiring.

W.C.
439. Act of March 24, 1943, ch. 26, secs 1 & 5; 57 Stat. 45-51;
50 USC app. 1291 and 1295.

Commerce

Maritime Board

Extends to seamen employed through the War Shipping Adm. and its
successors (Maritime Administration) the rights of American seamen
on private vessels, until 6 months after present war. (During con-
tinuance of Title I of the First War Powers Act)

COMMERCE: No need to continue If there is
sec. 1a with respect to seamen any disposition
employed in World War II and to continue this
sec. 1b has been repealed and act attention
superseded by the Social Security should be
Act and the Internal Revenue Code. given to
the action

that is taken with
respect to title I of
the First War Powers Act.

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443. Act of Mar. 2, 1929, 45 Stat. 1495(e) as amended; 46 USC 85g(e)
Concealing, removing, etc. marks placed on American vessels is not penalized if done to prevent "capture by an enemy".

Defense

Commerce
State

This is permanent legislation which would come into operation whenever we were at war but it may be advisable to have this statute in operation with respect to countries who might not be technical enemies, as for example, Koreans or Chinese Communists fighting with Korea.

444. Act of April 16, 1936, sec. 4(2)(e)(f); 49 Stat. 1210 46 USC 1304.

Under contracts for the carriage of goods by sea, neither the carrier nor the ship is to be liable for loss or damage arising or resulting from an "act of war" or "act of public enemies".

Commerce

Treasury
State

There is a question as to whether there would be liability for damage from losses due to Korean activities. If it is desired that there be no liability the provision should be amended.

448. Act of May 22, 1917, ch. 20 sec. 16, 40 Stat. 88; 33 USC 858.

The Secretaries of War, Navy, and Commerce are jointly to prescribe regulations governing the Coast and Geodetic Survey "in time of war".

Commerce

Defense

The Coast and Geodetic Survey has been returned to Commerce; furthermore, the Act of July 25, 1947, P.L. 239, 80th Cong. declared the war to be terminated for purposes of this section. Does this leave the authority to issue regulations with the desired dept.?

448a. Act of Oct. 12, 1949, ch. 681, title III, sec. 303, 63 Stat. 813, 37 USC 253.

Authorizes travel of commissioned officers of the Coast and Geodetic Survey and transportation of household effects to his home within one year after termination of the war or within one year after the date of retirement or relief from active duty whichever is later.

Commerce

GAO

COMMERCE: Termination of the war would have no appreciable effect.

It is difficult to see what relevancy the termination of the war has since

travel and transportation can be authorized after retirement or relief from administrative duty as well as after termination of war. Might there be some need for travel or transportation upon some kind of separation from service?

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448b. Act of Dec. 3, 1942; 56 Stat. 1038, 33 USC 855a; ch. 670 sec. 2, 56 Stat. 1038.

Commissioned officers of the Coast and Geodetic Survey assigned during the period of the present war to duty for military departments outside the U.S. have the rights and benefits of officers actually transferred to the service of the Army or the Navy.

Commerce

VA: No recommendation - These rights and benefits do not ordinarily exist on assignments as contrasted with transfer in time of peace.

VA, Defense
CSC

458. Act of Mar. 21, 1945, ch. 30, 59 Stat. 37; 50 USC App. 1721 and 1725.

Authority for grade and rank of admiral on the active list of the Regular Coast Guard until 6 mos. after the present war.

Defense

Treasury

460. Espionage Act of June 25, 1948; ch. 645, sec. 1; 62 Stat. 683; 18 USC 794, 964, 1717, 2388, 2153, 2154.

Punishments are increased in time of war and additional offenses created with respect to gathering or delivering defense information to aid foreign governments in time of war (sec. 794). Penalties are imposed for injuring or destroying war materials or making war materials in a defective manner in time of war. (secs. 2153-4) Penalties are provided for false reports or false statements with intent to interfere with the operation or success of military or naval forces of the U.S. Also in time of war Sec. 964 makes it unlawful during a war in which the U.S. is a neutral nation to deliver armed vessels to a belligerent; sec. 1717 makes unlawful the mailing of letters in connection with secs. 794 and 2388.

Defense

Post Of. Justice

JUSTICE: Sections 2155 and 2156 prohibit similar activities during peace with lesser penalties and stricter proof which it believes is sufficient.
P.O.: Suspension of sec. 1717 would not affect its operations.

Sec. 964 might be affected by the termination of war depending upon the international situation.

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N.C.
461. Trading with the Enemy Act of Oct. 6, 1917, ch. 106; 40 Stat.
411-426 as amended. 50 USC app. 1 et seq.
Penalizes trading with the enemy and authorizes Office of Alien
Property Custodian to vest property of foreign nationalists and to
confiscate property of enemies to pay benefits to Americans.

Justice

War Cl. Com
Commerce, Defense
State

JUSTICE: Authority to vest property should be retained. care of insofar
WCC: Authority to vest as war with
property should be retained. Germany was
terminated in
the resolution terminating the
state of war with Germany on Oct.
19, 1951, P.L. 181, 82nd Cong.
1st session. Apparently there is no
objection to trading with Japanese
and Germans when the termination of
the war releases their enemy status.
Is there, however, the same necessity
to retain the vesting power with
respect to Japanese property as there
was with respect to German property?

N.C.
462. Alien Enemy Act of 1798, R.S. 4067 as amended; 50 USC 21-24.
Alien enemies can be removed from the country under this act
whenever there is a declared war or a threat of invasion of U.S.
territory.

Justice

Defense

ADM. OF. OF U.S.
COURTS: Statute little question as to
used and its expiration whether the word
would have very little "enemy" as used
effect. here depends upon
a state of war since it covers
a threat of invasion which might
not involve a state of war. Per-
haps only the threat of invasion
under a state of war is contemplated.
Would like Justice's opinion on
this. Is the need for this act
eliminated by the Int. Security
Act of 1950 (P.L. 831, 81st Cong.)?

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NC. *
463. Passport Act of May 22, 1918; 40 Stat. 559, as amended; 22 USC 223, 224.

When the U.S. is at war or during the unlimited emergency the President is authorized to impose additional restrictions and prohibitions upon the departure of aliens and citizens from and entry into the U.S.

Justice

State

JUSTICE: Desirable to preserve this authority to prevent the departure of certain classes of aliens.

STATE: retention necessary

Termination of the state of war may also terminate the unlimited emergency of 1941.

NC.
468a. Act of June 25, 1948, sec. 1, ch. 645; 62 Stat. 828; 18 USC 3287.

When the U.S. is at war the running of the statute of limitations as to certain offenses shall be suspended until 3 yrs. after the termination of hostilities.

Justice

GAO, Justice

ADM. OF. OF U.S. COURTS: Suspension of the statute of limitations is desirable so that these cases may be tried while fresh.

With the termination of the state of war this law will not be operative as to the Korean situation.

NC.
469. Act of Aug. 18, 1942; 56 Stat. 746-747 as amended; 34 USC 1159-1163.

District courts are to have original jurisdiction of prizes captured by the United States "during war" and said courts may appoint special prize commissioners to exercise duties abroad; the War Shipping Adm. may appropriate prize property for use of the United States; reciprocal privileges are to be accorded cobelligerents of the United States.

Justice

Commerce, Ad. Of.
of U. S. Courts
State, Defense

Is this law needed with respect to jurisdiction over continuing litigation of prizes captured while the U.S. was at war? Will it also be needed with respect to the capture of any prizes during the Korean trouble?

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469a. Act of June 25, 1948, as amended by the Act of May 24, 1949, ch. 139, sec. 93; 63 Stat. 103, 28 USC 1782.

Permits depositions to be taken in the United States for use in the courts of any foreign country with which we are at peace (Germany and Japan).

Justice

ADMIN. OFF. U.S. COURTS:
Termination of war would be wholly beneficial

469b. Various rules of the U. S. district courts and courts of appeals which depend upon the existence of a state of war

Justice

ADMIN. OFF. U.S. COURTS: Would like Justice to report whether it can take care of this problem. Numerous or important but where amendment is necessary because of past emergency the amendment can be made by the respective courts.

476 and 477. Act of Oct. 6, 1917, ch. 95; 40 Stat. 394, as amended; 35 USC 42, 42a-f and notes.

If it is found that the publication of an invention by the granting of a patent might be detrimental to the safety or defense of the United States, such grant may be withheld until the termination of the war. It also requires license from the patent commissioner to file application for foreign patents during the war.

Defense

Justice
Commerce
AEC
Government
Patent Bd.

DEFENSE, COMMERCE & AEC: Continuation of this authority is essential. S. 2257 and H. R. 6389 were introduced in the 81st Congress to provide the needed authority. It should be indicated whether this bill should be enacted separately or introduced in legislation here being proposed.

479. Royalty Adjustment Act of Oct. 31, 1942; Ch. 634; 56 Stat. 1013-15; 35 USC 89-96.

Provides for adjustment of royalties to be paid to government contractors for use of inventions in aid of the prosecution of the war, until 6 months after the present war.

Justice

Commerce
Interior
Defense
AEC
Government
Patent Bd.

JUSTICE: The provision should be enacted into permanent legislation; COMMERCE: Favor continuation S. 956, 81st. Cong. is acceptable if amended to permit coordination of the different agencies as possible under Title I of the First War Powers Act. INTERIOR: Retention necessary.

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481. Nationality Act of Oct. 14, 1940; sec. 306, ch. 876;
54 Stat. 1141; 8 USC, sec. 706.

Any person who deserts the military or naval forces of the United States, or who leaves the jurisdiction of the United States in order to avoid being drafted into the military or naval service, becomes ineligible for citizenship, and such deserters are barred from holding any office of trust or profit or of exercising the rights of citizens, at any time during which the U. S. has been or shall be at war.

Defense

Justice

JUSTICE: Feels it is not necessary to apply this penalty except in time of actual warfare.

Note, however that the Act of Sept. 27, 1944, ch. 418, secs. 1 and 2, 58 Stat. 746; 8 USC 136 (d), Act of Jan. 20, 1944, ch. 2 sec. 1, 58 Stat. 4; sec. 401g; 54 Stat. 1169, 8 USC 801g provide for loss of nationality of any person who leaves the U.S. to evade military service not only in time of war but during a period of national emergency. One takes away citizenship and the other makes a non-citizen ineligible for citizenship. It would not seem to be consistent that a citizen should lose his citizenship during the present emergency while a non-citizen would not become ineligible for citizenship for the same offense.

481a. Act of Oct. 14, 1940, ch. 876, sec. 323; sec. 33 of 54 Stat. 1149; 8 USC 723.

Provides for the expeditious nationalization of former U. S. citizens who lose their U. S. citizenship because they served with the armed forces of a country at war with a country with which the U. S. was or is at war.

Justice

Defense
State

JUSTICE: Termination of these provisions with the termination of the state of war is appropriate.

Would appreciate an analysis of this law and the effects of a termination of World War II upon it and a fuller statement of why it should be left to expire.

should we comment on our loss of citizenship problem

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N.C. 481b. Act of Oct. 14, 1940, ch. 876, 326, sec. 326;
54 Stat. 1150; 8 USC 726.
Sets forth the special requirements for naturalization of any alien who is a citizen of an enemy state.

Justice

JUSTICE: This law can stand unchanged; German and Japanese citizens will no longer be enemy aliens and the special requirements for naturalization need no longer apply.

Is there any complication because of "Nazi" or "Communist German and Japanese citizens."

N.C. 481c. Act of Oct. 14, 1940, sec. 342 of ch. 876,
54 Stat. 1161, as amended; 8 USC 742i.
Provides for waiver of certain fees in connection with naturalization of aliens in our armed forces when the U. S. is at war.

Justice

JUSTICE: The number of aliens in the armed forces during peacetime is comparatively small and no action to preserve this waiver is necessary.

Is not this waiver for the benefit of the individual alien who presumably has limited funds, and who is entitled to special consideration because he is serving in the armed forces? If so is the number of such aliens a determining factor?

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481d. Act of Dec. 28, 1945, sec. 1(c)(1), ch. 590; 59 Stat. 658;
50 USC App. 640.

Aliens serving honorably in the armed forces during the present
war may be naturalized under special requirements.

Justice

Defense
State

483. Immigration Act of Feb. 5, 1917, as amended by the Internal
Security Act of Sept. 23, 1950, 8 USC 156.

This act sets forth the special territories to which an alien
may be deported if the U.S. is at war and it is impractical or in-
convenient to deport him because of enemy occupation of the country
whence the alien came.

Justice

Defense, State

JUSTICE: authority has been of little if
any value since the termination of hos-
tilities in World War II.

483a. Act of Aug. 19, 1950; ch. 759, 64 Stat. 759, 8 USC 239.

The act authorized the admission of certain alien spouses and
unmarried minor children of members of the armed forces during
World War II.

Justice

Defense

JUSTICE: Legislation needed in order to
admit Japanese or Korean and other aliens
after termination of the war.

483b. Displaced Persons Act, of June 25, 1948, as amended by Act
of Jan. 16, 1950, Opt. 262, 64 Stat. 219, 50 USC 1951.

This amendment authorizes the issuance of immigration visas to
various persons who fought during World War II and sec. 13 (50 USC
1964) prohibits visas to any person who voluntarily fought against
the U.S. during World War II

Justice

State
Defense

489a. Act of July 3, 1943, ch. 189 sec. 1, 57 Stat. 372 as amended
Act of Dec. 28, 1945, ch. 597, sec. 1; 59 Stat. 662; 31 USC 223b, 223d.

Extension to within one year after peace is established of time
limit on claims against the U.S. Govt. to the Secretaries of Army
(223b) and Navy (223d) for damages caused by military or civilian
personnel where the accident or incident occurs in time of war or
if the war intervenes within one year after the incident's occurrence.

Defense

Justice

Ad. Of of U.S. Courts

DEFENSE; said retention necessary in view of
the Korean conflict so that persons affected
there will have 1 year after the conflict is
ended for the filing of their claims.
AD. OF. OF U.S. COURTS: termination of war
would have the desirable effect of speeding
such suits into the courts.

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N.C.
489b. Act of June 25, 1945, ch 646; 62 Stat. 985;
28 USC 2680j.

Tort claims procedure shall not be applicable
in time of war to any claim arising out of the
combatant activities of the military or naval
forces.

Justice

Admin. Off.
U. S. Cts.
Defense

DEFENSE: The expiration
will be of no material
effect on Defense's
activities but its
continuance might be
important to other
agencies.

In view of the combat-
ant activities in Korea
does the Defense Dept.
still consider this as
having no material
effect?

ADMIN. OFFICE of U.S. COURTS:
The workload of Federal Courts
would be increased with the end
of the war and reinstatement of
tort claims procedure.

N.C.
492a. War Claims Act of July 3, 1948, ch. 826 sec. 8
62 Stat. 1245, as amended; 50 USC App. 2007.

This section provides for inquiry into war claims
not presently compensable and the recommending of
legislation.

War Claims Comm.

Justice

WAR CLAIMS COMMISSION: Since the status of war
claims depends in part upon a state of war, its
termination would automatically determine the
accrual of such war claims. If the measures
designed to effect the cessation of the war
contemplated the settlement of war claims, it
is urged consideration be given the Commission's
views which are contained in H. Doc. 580, 81st
Congress, 2d session.

N.C.
498. Act of Mar. 3, 1913, 37 Stat. 726; 40 USC 321.

This law limits the hours of laborers and mechanics
(Federal employees) on public works to 8 except in case
of extraordinary emergency.

Labor

Justice
Defense
NPA

LABOR: States that it is essential to preserve the power to suspend this law. Action need be taken with respect to this law if there is some question as to whether the emergency existing after termination of the war will be an "extraordinary" emergency.

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503. Act of Oct. 6, 1917, 40 Stat. 373; 24 USC 192
Interned persons and prisoners of war, under the
jurisdiction of the Navy Department, are entitled to
admission to St. Elizabeths Hospital for treatment.

Defense

FSA

Sen. Doc. 42 stated
this authority was needed to take
care of persons still under treat-
ment in the hospital. This may
still be needed for this reason
as well as to take care of Korean
prisoners, depending upon whether
they are considered prisoners of
war despite the absence of a
technical state of war. This
authority may have been termi-
nated by Joint Res. July 25, 1947,
ch. 327 sec. 3, 61 Stat. 451.

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513a. Soldiers and Sailors Service Relief Act of Oct. 17, 1940, ch. 888, 54 Stat. 1178-1191; 56 Stat. 769-778; 50 USC app. Sec. 501 et seq.

Requirements of this act protect members of the armed services regarding non-payment of rent or lease violation. It is to remain in force until the war is terminated by a treaty of peace proclaimed by the President and for 6 months thereafter.
50 USC app. 584.

Defense

National Capital
Housing

NATL. CAPITAL HOUSING:
Calls attention to the
Act.

Sen. Doc. 42 states that provision has been made for termination of parts of this act (benefits under Article IV, 50 USC app. sec. 554) by the act of July 25, 1947, ch. 327, sec. 3, 61 Stat. 451. It states that other parts should be kept alive because of the military operations continuing.

State

GAO

STATE: Authority should be continued to grant exemptions to foreign nationals of certain free countries which have ceased to be allies. Fears that termination of the war would be interpreted to force the termination of the pay of nationals of former allies.

FPC

Justice

FPC recommends that this act be continued as permanent legislation.

It would seem that this power would continue to exist even when the war is terminated --if in the opinion of the President the safety of the U. S. demands it.

513b. General Appropriation Act of 1951, sec. 1202, P. L. 759, 64 Stat. ch. 896.

Provides that the prohibition against paying compensation to officers or employees who are not citizens or persons in U. S. service who had filed a declaration of intention or who owed allegiance to the U. S. shall not apply to nationals of countries allied to the U. S. in the prosecution of the war.

527a. Federal Power Act of June 10, 1920. Sec. 16, 41 Stat. 1072; 16 USC 809.

Authorizes the U. S. to take possession of any licensed electric power project for the manufacture of nitrates, explosives or for any other purpose involving the safety of the U. S.